

CASREF,STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00767-RCL-GMH

MIDDLE EAST FORUM v. UNITED STATES
DEPARTMENT OF HOMELAND SECURITY
Assigned to: Judge Royce C. Lamberth
Referred to: Magistrate Judge G. Michael Harvey
Cause: 05:552 Freedom of Information Act

Date Filed: 04/26/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**MIDDLE EAST FORUM**

represented by **Chaim Mandelbaum**
FREE MARKET ENVIRONMENTAL
LEGAL CLINIC
726 N Nelson Street
Suite 9
Arlington, VA 22203
(703) 577-9973
Email: chaim12@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew D. Hardin
GREENE COUNTY
COMMONWEALTH'S ATTORNEY
P.O. Box 1028
Stonardsville, VA 22973
(434) 985-5212
Fax: 4349851442
Email: mhardin@gcva.us
TERMINATED: 12/20/2017

V.

Defendant**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

represented by **Jason Todd Cohen**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2523
Fax: (202) 252-2599
Email: jason.cohen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2557
Fax: (202) 252-2599
Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/26/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-4928747) filed by MIDDLE

		EAST FORUM. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to U.S. Attorney, # <u>3</u> Summons to DHS, # <u>4</u> Summons to Attorney General)(Hardin, Matthew) (Entered: 04/26/2017)
04/26/2017		Case Assigned to Judge Royce C. Lamberth. (md) (Entered: 04/27/2017)
04/28/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 04/28/2017)
05/06/2017	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/2/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/1/2017. (Hardin, Matthew) (Entered: 05/06/2017)
05/06/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 5/1/2017 (Hardin, Matthew) (Entered: 05/06/2017)
05/06/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/02/2017. (Hardin, Matthew) (Entered: 05/06/2017)
05/25/2017	<u>6</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Cohen, Jason) (Entered: 05/25/2017)
06/01/2017	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 06/01/2017)
06/05/2017	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to Answer: It is hereby ORDERED that: The deadline for Defendant to file its Answer or otherwise respond to the Complaint is extended to June 23, 2017. Signed by Judge Royce C. Lamberth on 6/5/17. (nbn) (Entered: 06/07/2017)
06/05/2017		Set/Reset Deadlines: Answer due by 6/23/2017, (nbn) (Entered: 06/08/2017)
06/23/2017	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 06/23/2017)
07/06/2017	<u>10</u>	ORDER granting <u>9</u> Motion for Extension of Time to Answer. Answer due by 7/14/2017. Signed by Judge Royce C. Lamberth on 7/6/17. (lsj) (Entered: 07/06/2017)
07/13/2017	<u>11</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 07/13/2017)
08/08/2017	<u>12</u>	ORDER granting <u>11</u> Motion for Extension of Time to Answer All Defendants. Answer due by 8/14/2017. Signed by Judge Royce C. Lamberth on 8/7/17. (lsj) (Entered: 08/08/2017)
08/14/2017	<u>13</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 08/14/2017)
08/29/2017	<u>14</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 08/29/2017)
08/29/2017	<u>15</u>	RESPONSE re <u>14</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by MIDDLE EAST FORUM. (Hardin, Matthew) (Entered: 08/29/2017)
09/28/2017	<u>16</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Proposed Order)(Cohen, Jason) (Entered: 09/28/2017)
09/28/2017	<u>17</u>	RESPONSE re <u>16</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by MIDDLE EAST FORUM. (Hardin, Matthew) (Entered: 09/28/2017)

10/06/2017	<u>18</u>	MOTION for Hearing <i>Status Conference</i> by MIDDLE EAST FORUM (Hardin, Matthew) Modified event title on 10/10/2017 (znmw). (Entered: 10/06/2017)
12/07/2017	<u>19</u>	NOTICE of Appearance by Chaim Mandelbaum on behalf of MIDDLE EAST FORUM (Mandelbaum, Chaim) (Main Document 19 replaced on 12/8/2017) (znmw). (Entered: 12/07/2017)
12/07/2017	<u>20</u>	MOTION to Withdraw as Attorney by MIDDLE EAST FORUM (Hardin, Matthew) (Entered: 12/07/2017)
12/20/2017	<u>21</u>	ORDER granting <u>16</u> Motion for Extension of Time to Answer, nunc pro tunc. Signed by Judge Royce C. Lamberth on 12/20/17. (lsj) (Entered: 12/20/2017)
12/20/2017		ORDER REFERRING CASE to a Magistrate Judge to set this matter in for a Status Conference and set a Scheduling Order. SEE ORDER <u>21</u> FOR FULL DETAILS.. Signed by Judge Royce C. Lamberth on 12/20/17. (lsj) (Entered: 12/20/2017)
12/20/2017		ORDER granting <u>20</u> Motion to Withdraw as Attorney. Attorney Matthew D. Hardin terminated. SEE ORDER <u>21</u> FOR FULL DETAILS. Signed by Judge Royce C. Lamberth on 12/20/17. (lsj) (Entered: 12/20/2017)
12/20/2017	<u>22</u>	ORDER granting <u>13</u> Motion for Extension of Time to Answer, nunc pro tunc. Signed by Judge Royce C. Lamberth on 12/20/17. (lsj) (Entered: 12/20/2017)
12/20/2017	<u>23</u>	ORDER granting <u>14</u> Motion for Extension of Time to Answer, nunc pro tunc. Signed by Judge Royce C. Lamberth on 12/20/17. (lsj) (Entered: 12/20/2017)
12/20/2017		CASE RANDOMLY REFERRED to Magistrate Judge G. Michael Harvey for <u>18</u> Motion for Hearing Status Conference. (md) (Entered: 12/29/2017)
01/08/2018		Set Hearings: Status Conference set for 1/25/2018 at 03:00 PM in Courtroom 6 before Magistrate Judge G. Michael Harvey. (lcmh1) (Entered: 01/08/2018)
01/22/2018	<u>24</u>	WITHDRAWN PURSUANT TO ORDER ENTERED ON 1/25/18..... MOTION to Stay <i>Case in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) Modified on 1/26/2018 (ldc). (Entered: 01/22/2018)
01/25/2018		MINUTE ORDER withdrawing <u>24</u> Motion to Stay. As discussed at the status conference today, January 25, 2018, the government's motion to stay based on the lapse in appropriations is WITHDRAWN. SO ORDERED. Signed by Magistrate Judge G. Michael Harvey on 1/25/18. (lcmh1) Modified event title on 1/26/2018 (znmw). (Entered: 01/25/2018)
01/25/2018		ENTERED IN ERROR....Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Status Conference held on 1/25/2018. (lcmh1) Modified on 1/26/2018 to enter in error as duplicate; please disregard.(ztnr) (Entered: 01/25/2018)
01/25/2018		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Status Conference held on 1/25/2018. Order to be issued by the Court. (Court Reporter FTR-Gold.) (FTR Time Frame: Ctrm 6 [3:10:45-3:46:03];) (ldc) (Entered: 01/25/2018)
01/25/2018		MINUTE ORDER. This FOIA case was referred to the undersigned to issue a scheduling order and give the government an opportunity to cure its current default posture. A status conference was held on January 25, 2018, at which the government represented that it has performed additional searches that produced over 27,000 potentially responsive documents to Plaintiff's FOIA request. The government further represented that Defendant, the Department of Homeland Security, could review 500 documents per month for responsiveness and to determine the applicability of any exemptions from disclosure. Plaintiff objected to a production schedule of anything less than 1000 documents reviewed by the government per month, and requested an opportunity to submit a written response to the government's proposal. Plaintiff also agreed to meet and confer with the government with the goal of narrowing the electronic search terms and/or the number of document custodians to be searched. Accordingly, it is hereby: ORDERED that, on or before February 16, 2018, the parties shall meet and confer to attempt to reduce the range of potentially responsive documents, whether by narrowing search terms or custodians, or in some other manner. It is further ORDERED that, on or before February 16, 2018, the parties shall

		submit a joint status report outlining the results of the meet and confer process. It is further ORDERED that, on or before February 16, 2018, the government shall file a declaration from DHS supporting and explaining its representation that it has the resources to review only 500 documents per month in this case, and that it cannot increase the pace of review to 1000 documents per month consistent with its obligations to other FOIA requesters. It is further ORDERED that, on or before February 23, 2018, Plaintiff may file a response to the government's declaration. It is further ORDERED that, with the consent of the Plaintiff, the government's time to respond to the Complaint is EXTENDED, nunc pro tunc, to January 25, 2018. It is further ORDERED that, with the consent of the Plaintiff, the government's obligation to respond to the Complaint is STAYED pending completion of its production of responsive documents in this case, the production schedule for which will be set by the undersigned after review of the filings ordered above. SO ORDERED. Signed by Magistrate Judge G. Michael Harvey on 1/25/18. (lcgmh1) Modified on 1/26/2018 to enter in error; however, it should not have been in error. This entry stands.(ztnr) (Entered: 01/25/2018)
01/26/2018		Set/Reset Deadlines: Attorney Meet and Confer Conference due by 2/16/2018. Government's Declaration from DHS due by 02/16/18. Parties Joint Status Report due by 2/16/2018. Plaintiff Responses to Government's Declaration due by 2/23/2018. Government's time to Respond to the Complaint is extended, nunc pro tunc to 01/25/18. Status Report due by 2/16/2018. (ldc) (Entered: 01/26/2018)
02/16/2018	<u>25</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Cohen, Jason) (Entered: 02/16/2018)
02/16/2018	<u>26</u>	RESPONSE TO ORDER OF THE COURT re Order,,,,,,,,, filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration of James V.M.L. Holzer)(Cohen, Jason) (Entered: 02/16/2018)
02/23/2018	<u>27</u>	RESPONSE re <u>26</u> Response to Order of the Court <i>regarding Rate of Production</i> filed by MIDDLE EAST FORUM. (Mandelbaum, Chaim) (Entered: 02/23/2018)
03/05/2018	<u>28</u>	MEMORANDUM OPINION AND ORDER. Signed by Magistrate Judge G. Michael Harvey on 3/5/18. (lcgmh1) Modified event title on 3/6/2018 (znmw). (Entered: 03/05/2018)
03/05/2018		Set/Reset Deadlines: Parties shall file a Joint Status update on March 30 2018. (ldc) (Entered: 03/05/2018)
03/07/2018	<u>29</u>	Unopposed MOTION for Extension of Time to File <i>Joint Status Update</i> by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Cohen, Jason) (Entered: 03/07/2018)
03/08/2018	<u>30</u>	ORDER granting <u>29</u> Motion for Extension of Time to File; Set/Reset Deadlines: Status Report due by 4/2/2018. Signed by Magistrate Judge G. Michael Harvey on 3/8/18. (lcgmh1) (Entered: 03/08/2018)
04/02/2018	<u>31</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Cohen, Jason) (Entered: 04/02/2018)
04/30/2018	<u>32</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Cohen, Jason) (Entered: 04/30/2018)
05/31/2018	<u>33</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Cohen, Jason) (Entered: 05/31/2018)
06/25/2018		MINUTE ORDER. In connection with the current dispute over the government's production of documents in this matter, as mentioned in the parties' joint status update of May 31, 2018, the plaintiff shall file a letter outlining its position on or before June 29, 2018. The government's response shall be filed on or before July 6, 2018. SO ORDERED. Signed by Magistrate Judge G. Michael Harvey on 6/25/18. (lcgmh1) (Entered: 06/25/2018)
06/25/2018		Set/Reset Deadlines: Plaintiff letter outlining its position due on or before June 29, 2018. The government's response due on or before July 6, 2018. (ldc) (Entered: 06/25/2018)

06/30/2018	<u>34</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>for Letter Outlining Position on Dispute over Production</i> filed by MIDDLE EAST FORUM. (Attachments: # <u>1</u> Exhibit)(Mandelbaum, Chaim) (Entered: 06/30/2018)
07/06/2018	<u>35</u>	RESPONSE re <u>34</u> Response to Order of the Court filed by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Cohen, Jason) (Entered: 07/06/2018)
07/12/2018	<u>36</u>	MEMORANDUM OPINION AND ORDER. Signed by Magistrate Judge G. Michael Harvey on 7/12/18. (lcmh1) (Entered: 07/12/2018)
07/12/2018		STATUS CONFERENCE VACATED PURSUANT TO MINUTE ORDER FILED ON 07/18/18.....Set/Reset Deadlines/Hearings: Attorney Meet and Confer Conference due by 8/10/2018. Meet & Confer Statement due by 8/10/2018. Status Report due by 7/30/2018 Status Conference set for 8/14/2018 at 11:00 AM in Courtroom 6 before Magistrate Judge G. Michael Harvey. (lcmh1) Modified on 7/18/2018 (ldc). (Entered: 07/12/2018)
07/16/2018	<u>37</u>	Consent MOTION to Modify <i>Date of Status Conference</i> by MIDDLE EAST FORUM (Attachments: # <u>1</u> Text of Proposed Order)(Mandelbaum, Chaim) (Entered: 07/16/2018)
07/18/2018		MINUTE ORDER granting <u>37</u> Motion to Modify. The status conference originally set for August 14, 2018, at 11:00 a.m. is VACATED. A status conference will be held on September 4, 2018, at 11:00 a.m. Set/Reset Hearings:Status Conference set for 9/4/2018 at 11:00 AM in Courtroom 6 before Magistrate Judge G. Michael Harvey. SO ORDERED. Signed by Magistrate Judge G. Michael Harvey on 7/18/18. (lcmh1) (Entered: 07/18/2018)
08/31/2018	<u>38</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Cohen, Jason) (Entered: 08/31/2018)
09/04/2018		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Status Hearing held on 9/4/2018. Order to be issued by the Court. (Court Reporter FTR-Gold.) (FTR Time Frame: Ctrm 6 [10:57:31-11:03:08];) (ldc) (Entered: 09/04/2018)
09/04/2018	<u>39</u>	SCHEDULING ORDER: Informal Vaughn Index due by 10/15/2018. Status Report due by 10/29/2018 Status Conference set for 10/31/2018 at 11:00 AM in Courtroom 6 before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge G. Michael Harvey on 9/4/18. (lcmh1) (Entered: 09/04/2018)
10/29/2018	<u>40</u>	Joint STATUS REPORT by MIDDLE EAST FORUM. (Mandelbaum, Chaim) (Entered: 10/29/2018)
10/31/2018		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Status Conference held on 10/31/2018. Order to be issued by the Court. (Court Reporter FTR-Gold.) (FTR Time Frame: Ctrm 6 [11:04:49-11:09:33];) (ldc) (Entered: 10/31/2018)
10/31/2018	<u>41</u>	SCHEDULING ORDER: Status Report due by 12/3/2018. Signed by Magistrate Judge G. Michael Harvey on 10/31/18. (lcmh1) (Entered: 10/31/2018)
12/03/2018	<u>42</u>	Joint STATUS REPORT by MIDDLE EAST FORUM. (Mandelbaum, Chaim) (Entered: 12/03/2018)
12/04/2018	<u>43</u>	ORDER Status Report due by 1/7/2019. Signed by Magistrate Judge G. Michael Harvey on 12/4/18. (lcmh1) (Entered: 12/04/2018)
01/03/2019	<u>44</u>	MOTION to Stay by UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/03/2019)
01/16/2019	<u>45</u>	ORDER granting <u>44</u> Motion to Stay. Signed by Judge Royce C. Lamberth on 1/16/2019. (lcrcl2) (Entered: 01/16/2019)